

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
JUNE 22, 2016

Members present: Robert Paulukiewicz, Thomas Kelly, Mayor Henry, Holly Hughes, Francis Mulvey, Frank Milatta, Mary Szaro

Members absent: Councilman Thomas Reilly, Darcy McCabe-Brew, Richard Moran

Also present: Jason Valetutto, P.P., Patrick Messmer, Attorney at Law

Meeting was called to order followed by the salute to the Flag.

Chairman Paulukiewicz stated adequate notice of this meeting has been provided under "The Open Public Meeting Act" by advertisement.

Roll call was taken at this time.

Chairman Paulukiewicz then reviewed the evening's agenda.

New York SMSA Limited Partnership d/b/a Verizon Wireless – Application # 366-16

Chairman Paulukiewicz noted that formal request to withdraw the application was received dated May 26, 2016. Application withdrawn and will not be on the schedule for the evening's meeting.

Motion by Holly Hughes, seconded by Mary Szaro to accept the Minutes of the May 25, 2016 meeting. Motion carried 4-0, 3 abstentions.

Completeness Committee

Holly Hughes noted that Completeness Committee was current.

Joseph Nitti, James Joe One, LLC – Application # 365-16

See attached transcript.

The hearing for this application was continued to the next meeting on July 20, 2016 at 7 p.m.

Chairman Paulukiewicz called for a ten minute recess after the hearing. Roll call was taken when meeting reconvened.

Gurmail Mann – Application # 368-16

Gregory Kusic, Esq. appeared on behalf of Applicant. Mr. Gurmail Mann and his wife own the property in question. Mr. Kusic confirmed with the Board Secretary that proper notice had been provided by advertisement and 200 foot mailing.

Mr. Kusic said that his client's appearance before the Board is because Mr. Mann didn't realize that when they had some improvements done on the property a couple of years ago that they did not come to town hall to see what the town requires to complete their job.

There is a car port as the plans show; there are pavers as the plans show. There are items that have been addressed by AJV Engineering. A copy has been given to Mr. Wayne Applegate, who drafted the plans submitted, who will answer any questions on a formal basis.

Mr. Mann is here to identify that he is the owner and that the work was completed with a lack of knowledge that he needed the permits from town hall.

Mr. Mann, Mr. Kusic and Mr. Applegate were sworn in.

Mr. Gurmail Mann of 255 Catherine Street said that he and his wife own the property that they purchased in 2006. They made improvements by putting down pavers after they purchased the property due to family gatherings. At the same time there were several adults in the house with him. Each of his two daughters has a car. The family had four cars at the time. One of the cars was recently sold. His oldest daughter is going to be married and she and her husband will reside at the property causing a need for four cars again.

The pavers and the car port were put up to protect two cars in the car port and two cars on the side. Mr. Kusic asked Mr. Mann if he knew when he had the concrete driveway, the pavers along the side and the back and the carport that he had to go to City Hall. Mr. Mann said that he did not know. He said he was before the Board to correct the mistake.

Mr. Kusic had no other questions for Mr. Mann.

Thomas Kelly then reminded Mr. Mann that he came to the property and informed the contractor that a permit was required and told them not to proceed any further. Mr. Mann did not recall. Mr. Kelly said that the order not to proceed was completely ignored.

Mr. Mann said that the awning people came from New York.

Mr. Kelly clarified and said that when he came to the home before drilling the pavers to install the footings to support the structure, he informed the contractor he was required to get approvals and the contractor kept proceeding. Mr. Kelly then notified Mr. Mann the he needed the approvals and both Mr. Mann and the contractor opted to proceed.

Mr. Kelly testified that he thinks Mr. Mann did know that he needed approvals at some point during that day. Mr. Kelly said that he believes that Mr. Mann didn't know that he needed approvals when he entered into contract but that he was aware before the structure was completely erected.

Mr. Kusic said that they would leave it at that. Mr. Kelly agreed.

Chairman Paulukiewicz then asked when the work was done, when was it completed and when did Mr. Mann find out that he needed to appear before the Planning Board to get approvals.

It was Mr. Kusic's understanding that the pavers were already down. Mr. Mann said that the pavers were done in 2007. The awning was erected end of 2014, early 2015.

Chairman Paulukiewicz confirmed that at that time, Mr. Mann needed an application to be submitted. Mr. Kusic said that he believes Mr. Mann was told to stop. Mr. Mann said that when the people came from New York, he paid them already. And they came over to fix and finish everything in one day. When Mr. Kelly came, Mr. Mann had already paid over \$20,000 so he didn't want to lose that money. Mr. Mann thought it was better to pay a couple thousand more.

Mr. Kusic explained at Chairman Paulukiewicz' request that Mr. Mann came to him and he pulled the application and engaged Mr. Applegate about seven to eight months ago. Mr. Kusic took responsibility for any difficulty in terms of timing after he was engaged saying that there was a transfer of four or five of the lots on the 200 foot list so he had to get a new list and change the plan. Mr. Kusic said that Mr. Mann recognized this issue because there is a citation that was issued in the Municipal Court in South Amboy which is currently pending.

Mr. Kusic confirmed receipt of the Completeness report issued May 18, 2016 by AJV Engineering. He said the he did not receive the Application Review issued June 15, 2016.

Given that he did not have the report, Mr. Kusic submitted that further testimony would not be possible given the suggestion that he engage a planner and the applicant currently did not have a planner. He would have to come back anyway when he has a planner.

(Transcript requested on July 6, 2016 from applicant's attorney.)

The hearing for this application was continued to the next meeting on July 20, 2016 at 7 p.m.

Chairman Paulukiewicz opened the meeting to the public. With no public wishing to speak, Chairman Paulukiewicz asked for a motion to close.

Motion by Mayor Henry, seconded by Holly Hughes to close the public portion of the meeting. Motion carried 7-0, 0 abstentions.

Motion by Mayor Henry, seconded by Holly Hughes to adjourn. All in favor.

Stacey Kennedy